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OCEANS AND THE LAW OF THE SEA

UNITED NATIONS REFORM: MEASURES AND PROPOSALS

Letter dated 18 February 1998 from the Permanent Representative of Malta to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the text of the Declaration of Malta issued by the twenty-fifth Convocation Pacem in Maribus, which was held in Malta from 15 to 18 November 1997.

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the fifty-second session of the General Assembly, under agenda items 39 and 157.

(Signed) George SALIBA
Permanent Representative

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ANNEX

Issued by the twenty-fifth Convocation Pacem in Maribus, held in Malta from 15 to 18 November 1997

## Declaration of Malta

### Introduction

On the eve of the International Year of the Ocean, Pacem in Maribus has been convened in Malta to celebrate its twenty-fifth anniversary, devoted to a study of the common heritage of mankind for the twenty-first century.

It is indeed appropriate and auspicious that this celebration is carried out in cooperation with the Government of Malta, which formally introduced this concept in the United Nations in November 1967 and thus, together with our own twenty-fifth birthday, we are celebrating the thirtieth anniversary of Malta's historic intervention in the United Nations.

Malta played a key role in the convening of the Third United Nations Conference on the Law of the Sea which, in 1982, adopted the United Nations Convention on the Law of the Sea. That Convention, considered as a Constitution for the Ocean, has been of fundamental importance in the developments that led to the United Nations Conference on Environment and Development in Rio de Janeiro in 1992 and the series of conferences, conventions, agreements and action programmes that have followed Rio. These developments have enriched the principle of the common heritage of mankind. Its re-examination, after 30 years of change, is particularly opportune in this place and at this time.

With its initiative for the rewriting of the Barcelona Convention, the Mediterranean Action Plan and, in particular, the establishment of the Mediterranean Commission on Environment and Development, Malta has also played a pivotal role in the ongoing efforts to revitalize the regional seas programme. And this, again, is of fundamental importance for the successful implementation of each and all of the conventions, agreements and programmes generated by the Rio Conference. The Declaration of Malta has been considered and adopted in view of all these developments.

### DECLARATION OF MALTA

We, the participants in Pacem in Maribus,

Convinced that the common heritage of mankind is one of the fundamental principles that will shape governance in the coming century,

Recognizing that this principle integrates economic development, environmental sustainability, human dignity, equity and social justice,

Believing, therefore, that the common heritage of mankind is basic for the attainment of sustainable development, which must integrate the same elements,

Conscious that, in turn, sustainable development, including the eradication of poverty, and its institutional implications as set forth in the Brundtland report and in Agenda 21, is further enriching the concept of the common heritage of mankind by adding, among other things, a people-oriented dimension,

Noting that the emphasis of the United Nations Conference on Environment and Development (UNCED) upon coastal management and national effort has extended the impact of the law of the sea far beyond the shorelines of coastal States into the hinterlands including landlocked States up to the watershed,

Noting with satisfaction the unprecedented importance accorded to non-governmental organizations in the shaping of local, national and international policies and the emergence of new forms of cooperation and co-management between the non-governmental and governmental sectors,

Bearing in mind that these developments may contribute to a better balance between activities at the local, national, regional and global levels,

Have adopted the following Conclusions and Recommendations:

1. Global wealth and welfare, including living, genetic and non-living resources and cultural and traditional knowledge, are our common heritage which must be managed sustainably, in order to promote the equitable distribution of economic benefits, the eradication of poverty, environmental security, respect for human dignity and human rights, including the right to work.

2. Eradication of poverty in the context of sustainability implies that work for development of the coasts and oceans must begin at the level of coastal communities, especially the poorest among them. This has to be accomplished through a more equitable distribution of goods and services, the development of human resources, the strengthening of social organization, the sharing and dissemination of socially, culturally and environmentally sustainable technologies and the education, empowerment and participation of the poor in integrated coastal management.

3. The right to share in the common heritage implies the duty to conserve it and contribute to its sustainable development through work, whether paid or unpaid. This requires a re-evaluation of the value of unpaid labour and service including, in coastal communities, monitoring water quality, servicing marine protected areas and other 'eco-jobs' and community services.

4. Action at the level of local communities has to be appropriately linked with national Governments through suitable forms of community management or joint Government-community co-management.

5. National action must be appropriately linked with revitalized regional seas programmes. The Mediterranean Commission on Sustainable Development provides an innovative precedent for integrating the governmental and non-governmental sectors and for linking action at the regional and local community levels. The structure and functions of the Mediterranean Commission on Sustainable Development could serve as a model for other regional seas programmes.

6. The sharing of socially, culturally and environmentally sustainable technologies should be enhanced through regional systems of technology co-development, including joint research and development and development of databases of success stories in technology dissemination, which should serve the needs of all UNCLOS and UNCED-related conventions, agreements and programmes, the Law of the Sea Convention as well as all post-UNCED conventions.

7. The need to share and cooperate in the development of socially, culturally and environmentally sustainable technologies is universally recognized as a precondition for the successful implementation of each and all UNCED and post-UNCED conventions, agreements and programmes. Current trends to reinforce patent and other intellectual property rights complicate the issue. The concept of intellectual property needs to be re-examined and extended to the traditional knowledge of the poor local communities and the indigenous people.

8. Both sustainable development (with its three integrated components - socio-economic development, the conservation of the natural environment and peace) and human security (with its three integrated components - political security, economic security and environmental security) have significant institutional implications. The integration of human security and sustainable development within the institutional framework of revitalized regional seas programmes and conventions and the United Nations Agenda for Peace is essential for the enhancement of the common heritage for the twenty-first century.

9. There are global systems - the world's oceans, for instance - which transcend the boundaries of regional organization and development. Action at the global level and action at the regional, national and local levels should be consistent with each other and based on common norms. Management of global resources demands an equitable and just system of entitlements and responsibilities ranging from the level of global humanity to the level of individual communities and human beings.

10. A forum needs to be established where States, socio-economic actors, non-governmental organizations and community leaders can discuss the closely interrelated problems of ocean space. Such a mechanism, in the form of a Committee of the Whole, should be established at the level of the United Nations General Assembly which, with its universal membership, could devote sufficient attention to this complex task.

11. The harmonization and streamlining of the ocean-related functions of the specialized agencies and programmes, initiated by the Subcommittee on the Oceans and Coastal Areas of the Administrative Committee on Coordination, should be continued and even strengthened. Its task will be immensely facilitated by the discussions and directives of the Committee of the Whole of the General Assembly as proposed under recommendation 10 above.

12. The International Seabed Authority, the first institutional embodiment of the principle of the common heritage of mankind, needs to be revitalized and enabled to keep pace with scientific and technological changes. Where its responsibilities overlap those of other Convention regimes, e.g., the Authority's responsibility for the conservation of the fauna and flora of the Area, and the responsibilities of the Biodiversity Convention regime in the same

Area, including its genetic resources, measures should be taken for cooperative management in such a way as to strengthen both regimes.

13. The mandate of the Meetings of States Parties to the Law of the Sea Convention should be broadened so as to include the regular review and revision of the Convention as a whole, including Part XI and the pertinent annexes and implementation agreements.

14. There is an urgent need to popularize the principle of the common heritage among the world's political leaders, civil societies and the diplomatic community so that it may be applied more widely in the ongoing international negotiations in various forums dealing with the management of the different components of the Earth's natural environment.

15. Strong support should be given to the proposal put forward by Malta and recommended by the Secretary-General of the United Nations, to give the Trusteeship Council a new role and have it reconstituted "as the forum through which Member States exercise their collective trusteeship for the integrity of the global environment and common areas such as the oceans, atmosphere and outer space." The new mandate would thus convert the United Nations Trusteeship Council from being only an administrator of Territories into a guardian and supervisor of the common heritage of humankind in the twenty-first century.

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